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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

JOHN S. WHITE,  
on behalf of himself and those  
similarly situated,

Plaintiff,

v.

E-LOAN, INC., and  
DOES 1 through 10, inclusive,

Defendants.

CASE NO.: C 05-02080 SI

**CLASS ACTION**

**STIPULATION AND  
[PROPOSED] ORDER SETTING  
SECOND HEARING FOR ENTRY OF  
FINAL APPROVAL ORDER ON  
PROPOSED SETTLEMENT**

Pursuant to 28 U.S.C. § 1715, notice of the settlement in this action must be provided to the Attorney General of the United States and the state attorneys general of each state in which a class member resides. Under § 1715(d), an order giving final approval of a proposed settlement may not be issued until 90 days after the notice has been given.

1 It is Defendant's obligation to provide the notice and Defendant is prepared to send the  
2 notice immediately, but the parties recognize that the final approval order cannot be entered until  
3 90 days after the federal and state officials receive the § 1715 notice.

4 The final approval hearing in this case is scheduled for March 2, 2006. Notice has been  
5 provided to class members of the March 2, 2006 final approval hearing. The parties would  
6 prefer not to cancel this hearing date. To date, no class member has filed an appearance or  
7 indicated that they wish to participate in the final approval hearing. Class members have until  
8 February 20, 2007 to object and/or file their appearances.

9 The parties propose that the Court keep the scheduled final approval hearing on March 2,  
10 2007, set a separate hearing 90 days out (in mid-May) for any comments on the settlement by  
11 federal or state officials, and enter the final approval order on the proposed settlement only after  
12 the date of the second hearing. The parties propose that the § 1715 notice include notice of this  
13 second hearing date, which would provide the federal and state officials with the full 90-day  
14 statutory allotted time to act on the proposed settlement in the manner they deem appropriate.

15 For the foregoing reasons, the parties propose that the Court schedule a hearing on entry  
16 of the final approval order for May 11, 2007 (if this order is entered prior to February 9, 2007) or  
17 May 18, 2007 (if this order is entered between February 9 and February 16, 2007).

18 **IT IS SO STIPULATED:**

19 Dated: February 6, 2007

20 /s/ Gail Killefer

21 Gail Killefer, Esq.  
22 Counsel for Plaintiffs

23 MAYER, BROWN, ROWE & MAW LLP

24 Dated: February 6, 2007

25 /s/ Victoria R. Collado

26 Victoria R. Collado, Esq.  
27 (Admitted *pro hac vice*)  
28 Counsel for Defendant

***Filer's Attestation: Pursuant to Section X(B) of General Order No. 45, Gail Killefer hereby attests that Victoria Collado concurred in the filing of this document.***

**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

For purposes of 28 U.S.C. § 1715(d), the Court hereby schedules a hearing on  
the entry of the final approval order for May 11 2007 at 9:00 a.m.

Dated: \_\_\_\_\_

  
Honorably Susan D. Illston  
U.S. District Court Judge